

Gina Harrison  
Director  
Federal Regulatory Relations

1275 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20004  
(202) 383-6423

**PACIFIC**  **TELESIS**<sup>SM</sup>  
Group-Washington

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**MAR 9 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

March 9, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

*Re: CC Docket No. 94-158, Amendment of Policies and Rules Concerning  
Operator Service Providers and Call Aggregators*

On behalf of *Pacific Bell and Nevada Bell*, please find enclosed an original and six copies of its "Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosure

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 9 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Amendment of Policies and Rules  
Concerning Operator Service  
Providers and Call Aggregators

CC Docket No. 94-158

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**COMMENTS OF PACIFIC BELL AND NEVADA BELL**

I. **Branding**

Branding is the process by which an OSP audibly and distinctly identifies itself to the consumer who uses its operator services. 47 CFR §64.703. The current definition of "consumer" is "a person initiating any interstate telephone call using operator services." 47 CFR §64.708 (emphasis added). The Commission proposes that both the calling party and the called party to a collect call should receive a brand before they commence their portion of the collect call transaction. (NPRM, para. 5.) The Commission also solicits data on (a) cost of compliance with this proposal and (b) the ratio of collect calls to all operator-assisted calls. (NPRM, para. 5.)

We agree with the Commission's proposal. Pacific Bell already brands the intraLATA calls that we handle to both parties. We handle no

interLATA or interstate calls. Thus we have no information either about the cost of branding such calls, or the interstate ratio of collect to operator-assisted calls, both of which could be different from intrastate figures.

## II. Emergency Calls

The current rule requires an OSP that receives an emergency telephone call to immediately connect the call to the appropriate emergency service of the reported location of the emergency, if known, and if not known, of the originating location of the call. 47 CFR §706. The Commission proposes that aggregators be subject to the same requirements for routing and handling emergency calls that apply to OSPs. (NPRM, para. 7.) The Commission specifically solicits comment on (a) whether the Act or sound public policy supports this proposed requirement, and (b) whether the Commission should require aggregators, such as payphone owners, to program their equipment to recognize emergency dialing sequences and allow consumers to place such calls without charge.

We strongly agree with the Commission that aggregators should be subject to the same requirements for routing and handling emergency calls that apply to OSPs. Also, we believe that all aggregators should provide immediate coin-free, as well as cost-free access to 911.

### III. Inmate-Only Telephones

Correctional institutions are currently excluded from the definition of “aggregators,” so they are not subject to any of the above rules. The Commission invites comment on the changes, if any, that should be made to the rules applicable to inmate-only phones. The Commission specifically seeks comment on (a) the needs of inmate users; (b) resources and needs of correctional institutions in providing phone service for inmates; (c) whether goals of Act and public interest are met through current treatment of inmate phones. (NPRM, para. 10.)

We believe that correctional institutions present special problems that preclude their being redefined as “aggregators”. Restrictions on inmate calling are necessary to prevent harassing calls to victims, witnesses, judges, law enforcement agencies, and others. Restrictions are also necessary to prevent fraud from becoming rampant (e.g., by accessing PBXs for outward calling, or IXC’s who do not take certain fraud-prevention measures). Restricting inmate calling to operator-assisted calls is necessary, but not sufficient to address such problems. Although all carriers receive ANI that identifies inmate calls, not all carriers are positioned to screen inmate calls to prevent fraudulent and nuisance calling. Doubtless many carriers deliberately forego the inmate market for that reason. If inmates were allowed to choose carriers freely, they would rapidly identify which carriers do not have safeguards in place, harming the interests of those carriers and the public.

The same concerns apply to emergency calling from correctional institutions. Emergencies in correctional institutions are generally dealt with by correctional officers, not by public emergency agencies; it is difficult to imagine circumstances under which it would be appropriate for inmates to dial 911 for an outside agency. Allowing them to do so would also permit nuisance calling.

We have heard complaints that some carriers charge excessive rates to inmates. There are more constructive ways to address this problem than by reclassifying correctional institutions as aggregators. As correctional institutions themselves have become aware of the problem, increasingly they have required carriers who contract with them to charge no more than a reasonable rate (e.g., no more than the dominant carrier's rate). The FCC has virtually plenary authority over charges for interstate calls. All carriers providing interstate service are now required to file interstate tariffs. This includes rates for operator-assisted calls. The FCC may reject those rates it finds unreasonable. Branding calls to both the calling and called party, as Pacific Bell does, will also help to mitigate this concern.

IV. **Time Limit For Updating Consumer Information Posted On Aggregator Telephones**

The Commission seeks comment on reports that some aggregators do not promptly update consumer information to reflect changes in presubscribed OSP. It also seeks comment on whether a specific time limit for updating consumer information is necessary or desirable. (NPRM, para. 12.)

We currently update the signage on our public phones within 3 weeks of a change in the presubscribed carrier. We believe the major cause of signage problems is "slamming," and until the slamming problem is resolved, no express time limit should be set.

Respectfully submitted,

PACIFIC BELL  
NEVADA BELL

  
JAMES P. TUTHILL  
JOHN W. BOGY

140 New Montgomery Street, Rm. 1530A  
San Francisco, California 94105  
(415) 542-7634

JAMES L. WURTZ

1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 383-6472

Their Attorneys

Date: March 9, 1995